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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,608	01/05/2006	Frank Scholz	112740-1072	1770

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EXAMINER	
ZEWARI, SAYED T	
ART UNIT	PAPER NUMBER
2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/533,608	SCHOLZ, FRANK	
	Examiner	Art Unit	
	SAYED T. ZEWARI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed on 2/20/2009 have been fully considered but they are not persuasive.

2. Applicant states on page 7 of Remarks that

Applicant submits a new set of claims replacing, without prejudice, the current set of claims. The independent claims 12 and 18 have only been clarified and, therefore, no new matter has been added. A marked-up version of the new set of claims is enclosed, from which the Examiner may take the individual amendments made.

However, it is noted that no new sets of claims are submitted. The newest set of claims that are submitted on 2/20/2009 consists of claims 12-13, and 15-24. Only independent claims 12 and 18 are amended for minor informalities.

3. Applicant argues that

Ford discloses a bullet proof vest having a sensor and a GPS connected to a transmitter. The Transmitter is a radio. Ford, column 5, lines 21-27, 60-62, and Figures 1 and 4. If the same transmitter can transmit over more than one network is not disclosed. This is naturally so, because Ford addresses aspects relating to the bullet proof vest and the health of its wearer, rather than aspects relating to the transmitter. Consequently, the subject matter of the independent claims differs from the transmitter in Ford in, at least:

detecting at least one available communications network at the location of the communication device;

if a cellular communication network is available, selecting the cellular network," in case that no cellular communication network is available, enabling a module for broadcasting over a global safety communication network, and selecting the global safety communication network,"

sending an emergency signal over the selected network," and

localizing the identified communication device by using a localization method available over the selected network.

This argument is not persuasive. Applicant is arguing against the applied references individually. Under 103 rules, many analogous arts can be combined to meet the limitations of a claim. Form discloses a method of locating a communication device in an event of emergency. This communication device comprised of relevant components such as controller, GPS receiver, and transmitter. Moon, in analogous art of wireless communication, discloses a communication system that detects available communication networks and select an available communication network.

4. Applicant argues that

The Applicant respectfully disagrees, because the apparatus in Moon does not perform the selecting, sending, or localizing recited in the independent claims.

This argument is not persuasive. Applicant is arguing against the applied references individually. Under 103 rules, many analogous arts can be combined to meet the

limitations of a claim. Moon discloses selecting and Ford discloses sending and localizing.

5. Therefore, the combination of Ford and Moon disclose all the limitations of the claims of the applicant.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US 6,349,201) in view of Moon (US 6,721,580).

With respect to claim 12, Ford discloses a method for locating a communication device **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**, wherein an emergency call routine is activated **(See Ford's abstract, col.3 lines 3-11, see additional info: col.2 lines 39-46, 50-52, 56-58, 63-64, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**, the method comprising the steps of: sending an emergency signal over the network; identifying the communication device **(See Ford's col.3 lines 3-11, see additional info: abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**; and localizing the identified communication device by using a localization method

available over the network **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26).** in case that no cellular communication network is available, enabling a module for broadcasting over a global safety communication network, and selecting the global safety communication network **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26).**

Ford discloses everything claimed as applied above to claim 12, except for explicitly reciting detecting at least one available communications network at the location of the communication device; if a cellular communication network is available, selecting the cellular network. In analogous art, Moon discloses a communication system for detecting at least one available communications network at the location of the communication device **(See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50)**; if a cellular communication network is available, selecting the cellular network **(See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford by specifically using a cellular or any other type of network for transmitting location information in cases of emergency, as disclosed by Moon.

With respect to claim 18, Ford discloses a communication system comprising: at least one communication network, a global safety communication network **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**; and a module for broadcasting over the global safety communication network **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64,**

col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26); wherein the communication device comprises means for sending an emergency signal over the selected network **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**; wherein the cellular communication network or the global safety communication network comprises means for localizing the identified communication device by using a localization method available over the selected network **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26);** and, in case that no cellular communication network is available, to enable the module for broadcasting over the global safety communication network and to select this global safety communication network **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26).** Ford discloses everything claimed as applied above to claim 18, except for explicitly reciting a communication device comprising means for detecting the at least one available communications network at the location of the communication device; wherein the communication device is operable to select a cellular communication network if the cellular communication network is available. In analogous art, Moon discloses a communication system comprising means for detecting at least one available communications network at the location of the communication device **(See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50)**; if a cellular communication network is available, selecting the cellular network **(See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50).** It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the invention of Ford by specifically using a cellular or any other type of network for transmitting location information in cases of emergency, as disclosed by Moon.

With respect to claim 21, Ford discloses a communication device comprising: a module for broadcasting over a global safety communication network **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)** ; in case that no cellular communication network is available, to enable the module for broadcasting over a global safety communication network, and to select this global safety communication network **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)** wherein the communication device comprises means for sending an emergency signal over the selected network **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26).** Ford discloses everything claimed as applied above to claim 21, except for explicitly reciting means for detecting at least one available communications network at the location of the communication device; wherein the communication device is operable to select a cellular communication network if the cellular communication network is available. In analogous art, Moon discloses a communication system comprising means for detecting at least one available communications network at the location of the communication device **(See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50)**; if a cellular communication network is available, selecting the cellular network **(See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50).** It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford by specifically using a cellular or any other type of network for transmitting location information in cases of emergency, as disclosed by Moon.

With respect to claim 13, Ford discloses a method wherein at least one of the communications network comprises mobile transceiver or transponder stations, by which the emergency signal from the communication device is further transmitted or that function as a transponder for said emergency signal **(See Ford's figure 3, col.5 lines 21-24, 35-45, see additional info col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**.

With respect to claim 15, Ford discloses a method wherein the emergency call routine also comprises the identification of the communication device **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**.

With respect to claim 16, Ford discloses a method wherein also a speech connection is established over one of the detected communications networks **(See Ford's col.6 lines 10-24)**.

With respect to claim 17, Ford discloses a method wherein the emergency call routine is activated remotely **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**.

With respect to claim 19, Ford discloses a communication device wherein at least one of the communications networks comprises mobile transceiver or transponder stations, which are operable to further transmit the emergency signal received from the

communication device or to function as a transponder for said emergency signal **(See Ford's figure 3, see additional info: abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**.

With respect to claim 20, Ford discloses a communication device wherein the communication device and the cellular communication network or the global safety communication network are operable to also establish a speech connection over one of the detected communications networks signal **(See Ford's col.6 lines 10-24, see additional info: abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**.

With respect to claim 22, Ford discloses a communication device wherein the communication device is operable to provide an identification of the communication device with the emergency signal **(See Ford's col.2 lines 47-51, see additional info: abstract, col.2 lines 39-46, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**.

With respect to claim 23, Ford discloses a communication device wherein the communication device is operable to allow a remote control of the means for sending the emergency signal over the selected network **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**.

With respect to claim 24, Ford discloses a communication device wherein the communication device is operable to establish a speech connection over one of the detected communication networks **(See Ford's col.6 lines 10-24, see additional info:**

abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sayed T Zewari/
Examiner, Art Unit 2617

May 26, 2009

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617